

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2330.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SYRUP.

On November 27, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. N. Johnson Co., a corporation, Bellefontaine, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on November 2, 1911, from the State of Ohio into the State of Kentucky of a quantity of syrup which was misbranded. The product was labeled: (On cases) "2 doz. Pint 12 oz. bottles Pure Syrup Packed by the F. N. Johnson Co." (On bottles) "Wild Forest Brand Syrup Cane 80% and Maple 20% Put up by F. N. Johnson Co., Bellefontaine, Logan Co., O. Guaranteed under the Food and Drugs Act of June 30, 1906. Serial No. 1687."

Examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: Bottle No. 1, 375 cc; shortage, 20.75 per cent. Bottle No. 2, 380 cc; shortage, 19.68 per cent. Bottle No. 3, 370 cc; shortage, 21.80 per cent. Average, 375 cc; shortage, 20.75 per cent. Misbranding of the product was alleged in the information for the reason that the label and brand thereon bore a statement regarding it which said statement, to wit, "2 doz. Pint 12 oz. bottles," was false, misleading, and deceptive in that it purported and represented that each of the bottles contained one pint of syrup, whereas, in truth and in fact, the net contents of a number of said bottles measured less than one pint, the average shortage thereof being 20.75 per cent. Misbranding was alleged for the further reason that the product was labeled and branded as aforesaid so as to deceive and mislead the purchaser into the belief that the net contents of each of the bottles measured one pint, whereas, in truth

and in fact, the net contents of a number of said bottles measured less than one pint, the average shortage being 20.75 per cent. Misbranding was alleged for the further reason that the label and brand on the product bore a statement in terms of weight or measure of the contents of the bottles, as follows, to wit, "2 doz. Pint 12 oz. bottles," which said statement of the weight or measure of the contents of the bottles was not correct, but was untrue and false in that each of the bottles did not contain one pint of the product, and a number of the bottles measured less than one pint, the average shortage thereof being 20.75 per cent.

On December 3, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$5 and costs of \$15.75.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1913.*

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